

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

1633 BROADWAY MARS RESTAURANT  
CORP.,

Debtor.

Case No. 08-CV-04543 (TPG)

**NOTICE OF MOTION OF APPELLANT  
TO DISMISS DOCKETED APPEAL WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated June 2, 2008, and the Declaration of Constantine D. Pourakis dated June 2, 2008 and exhibits attached thereto, Appellant Paramount Group, Inc., as agent for PGREF I, 1633 Broadway Tower L.P. ("Paramount") will move this Court before the Honorable Thomas P. Griesa, United States District Judge, 500 Pearl Street, Courtroom 26B, New York, New York, for an Order dismissing Paramount's appeal, pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), from the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount's motion for relief from the automatic stay, which was docketed with this Court on May 16, 2008.

Dated: New York, New York  
June 2, 2008

**STEVENS & LEE, P.C.**

By: /s/ Chester B. Salomon

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

1633 BROADWAY MARS RESTAURANT  
CORP.,

Debtor.

Case No. 08-CV-04543 (TPG)

**ORDER DISMISSING DOCKETED APPEAL WITHOUT PREJUDICE**

Upon the Motion of Appellant Paramount Group, Inc., as agent for PGREF I, 1633 Broadway Tower L.P. ("Paramount") for the dismissal of its appeal, pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), from the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount's motion for relief from the automatic stay, which was docketed with this Court on May 16, 2008; and the Court having determined the relief sought is proper;

**IT IS HEREBY ORDERED AND ADJUDGED:**

1. Pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), Paramount's appeal of the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount's motion for relief from the automatic stay, docketed with this Court on May 16, 2008, is dismissed without prejudice.

2. Costs of the instant appeal are to be borne by the respective parties.

SO ORDERED, this \_\_\_ day of June, 2008

\_\_\_\_\_  
Thomas P. Griesa  
United States District Judge